REMARKS

The attached formal drawings were filed with the United States Patent and Trademark Office on March 20, 2002 in response to the Notice to File Corrected Application Papers mailed January 31, 2002 as evidenced by a copy of the attached postcard.

Claims 1-26 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between elements.

Claims 1 and 13 are the only independent claims in this case. Claim 7 uses the method of claim 6, which depends upon claim 1. Amended claim 1 is believed to be representative. As amended, claim 1 relates to an image file for storing digital image data, a user identifier, and affective information which relates to the feelings or emotions of the user identified by the user identifier towards the digital image stored in the image file. It is important for the Examiner to note that elements a), b), and c) are all stored in the image file. All of the elements in claim 1 are indeed interrelated since they all are stored in a digital image file. The user identifier and the affective information are interrelated as indicated by the amendment to claim 1. Claim 13 does set forth the above interrelationship and is believed to be not an aggregation of parts. It is proper to claim a digital image file. The relationship of the elements is that all are stored and can be used in a subsequent operation as described in the specification. Summarizing, there is a functional relationship between the stored elements, and the Examiner is inappropriately using MPEP paragraph 2172.01.

Affective information is defined on page 4, lines 23-24 of the present specification as information (e.g., data) that relates to the feelings or emotions of a person towards images. Page 5, lines 4 et. seq. of the present specification provides a simple example where the affective information is a tag that is stored in a digital image file to indicate whether or not that image is a favorite (e.g., important) image to the user. The affective information is not the feelings, but rather is information (e.g., data) that relates to the feelings of the user.

Accordingly, it is believed that the rejection of claims 1 and 13 under 35 U.S.C. § 112 is inappropriate and should be withdrawn. Therefore, the rejection of the remaining dependent claims under 35 U.S.C. § 112 is inappropriate and should be withdrawn.

Claims 1-4, 6-9, 12-16, 18-21, 24 and 25 were rejected under 35 U.S.C. § 102(e) as being disclosed by AT&T News Release, Use technology to deliver Mother's Day greetings on May 11, hereinafter AT&T.

The Examiner has cited an AT&T News Release which relates to electronic greeting cards or emailing photographs to a grandmother which evokes feelings in the grandmother. Indeed, images often evoke feelings in the recipient, particularly a grandmother concerning her grandchildren. However, these feelings are in no way stored in a data file, let alone the same data file containing the image. Moreover, there is no motivation or suggestion from this News Release for the subject matter of either amended claim 1 or claim 13.

Amended claim 2 requires that the affective information further specifies the time or period within a range of times that the affective information was produced. The AT&T News Release has nothing to do with recording a time or a time period in an image file.

Claim 3 specifies that the affective information identifies the importance of the image as discussed above relative to claim 1. There is no such information stored in the image file used to email photos in the AT&T News Release.

Claim 4 relates to storing information in the image file which relates to the capture device used to capture the digital image. Here again, there is no such information stored in the image file used to email photos in the AT&T News Release.

Claim 6 specifies that the digital image file can include affective information and user identifiers for a plurality of users. Clearly, there is no such structure shown or disclosed in the AT&T News Release.

Claim 7 sets forth a retrieval scheme for stored digital images, using the image file of claim 6 wherein there is a plurality of affective information which is selected on the basis of a user identifier. This claim clearly sets forth a

retrieval scheme using the affective information stored in an image file which is not shown or suggested by the AT&T News Release or any of the other references cited by the Examiner. This claim is believed to define unobvious subject matter and should be allowed.

The remaining claims, which depend upon claim 1 or claim 13, should also be allowable for the reasons discussed above.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AT&T as applied to claim 1 and further in view of Pierce et al. (US Patent Number 6,327,580).

Claim 5 sets forth that the image data is a JPEG compression file which is known in the art. However, since this claim depends upon claim 1, it should be allowable.

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over AT&T as applied to claim 1 and further in view of Oda et al. (US Patent Number 6,088,040 A).

Claim 10 specifies that the affective information is provided by monitoring the facial expression of the user. Oda et al. take a digital image of a face and then classifies the facial expression, this is done manually by a skillful operator. However, Oda et al. never creates an image file let alone an image file that contains metadata.

Claim 11 was rejected under 35 USC § 103(a) as being unpatentable over AT&T as applied to claim 1 and further in view of Abbott et al., (PGPUB-DOCUMENT NUMBER: 20020054174)

Claim 11 specifies the affective information is provided by monitoring the physiology of the user. Abbott et al. do disclose monitor the physiology of a user, but never creates an image file having a particular image, let alone metadata separate from such particular image but which is usable to retrieve such image.
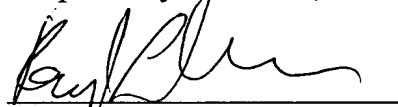
Claim 26 was rejected under 35 USC § 103(a) as being unpatentable over AT&T as applied to claim 25 and further in view of Bensen et al., (PGPUB-DOCUMENT NUMBER: US 20020042557A1).

Claim 26 specifies the personal affective tag data is a numerical value. Bensen et al. relate to a diagnostic tool to assist patients in understanding the nature of their medical condition. A patient marks a point on a scale which indicates the patient's self assessment of their present condition, and the health care professional can use the scale to perform a proper study of the patient. This has nothing to do with affective information which relates to the feelings or emotions of the user identified by the user identifier towards a digital image stored in an image file. In fact, there is no digital image file or digital image in Bensen et al. Applicants believe that this disclosure is in a nonrelated art field and would not provide any suggestion of the present invention to one skilled in the art.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Amendments to the Drawings:

Replacement sheets for FIGS. 1-9 are enclosed which formalize the drawings that were submitted with the application. No other changes have been made. Formal drawings are submitted herewith under separate Letter to the Official Draftsperson. Approval by the Examiner is respectfully requested.